

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-9482

CASE NUMBER 2015-4-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9482 is held by Anthony F. Keiter.
2. Appropriation A-9482 has a priority date of May 1, 1957, and authorizes the use of water for irrigation of the 61 acres of land described below. The water may be diverted from Norwegian Bow Creek at points of diversion located on both banks of the stream in the SE $\frac{1}{4}$ of Section 19, Township 31 North, Range 1 East of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed 0.87 cubic foot per second (cfs) from all points of diversion.

<u>Township 31 North, Range 1 East of the</u>	
<u>6th P.M. in Cedar County</u>	<u>Acres</u>
Section 19: NW $\frac{1}{4}$ SE $\frac{1}{4}$	35
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1
SW $\frac{1}{4}$ SE $\frac{1}{4}$	20
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>5</u>
TOTAL	61

3. The Department has received information concerning the use of surface water appropriation A-9482 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 20, 2015, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-9482. The Notice was delivered by certified mail to Anthony F. Keiter, 207 East Park, Hartington, Nebraska 68739.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-9482 has not been used for its required purpose for more than five consecutive years.
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-9482 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 6, 2015



James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's docket clerk and field office in Norfolk, Nebraska. A copy of this Order was mailed on July 6, 2015, to the following:

Anthony F. Keiter
207 East Park
Hartington, Nebraska 68739